

HOUSE BILL 960

N1
HB 550/05 – ENV

1lr1420

By: **Delegates McConkey and Eckardt**
Introduced and read first time: February 11, 2011
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Companion Apartments**

3 FOR the purpose of authorizing an owner of a residential dwelling to create and rent a
4 companion apartment under certain circumstances; requiring a companion
5 apartment to meet certain standards; requiring structural changes made to
6 create a companion apartment to be removed under certain circumstances;
7 prohibiting a homeowners association or cooperative housing corporation from
8 revoking permission for the creation and rental of a companion apartment
9 under certain circumstances; defining certain terms; providing that a county or
10 municipal corporation may not generally prohibit the creation or rental of
11 companion apartments, and that a law, regulation, or ordinance adopted by a
12 county or municipal corporation may impose health and safety standards for
13 companion apartments that are more stringent than this Act; and generally
14 relating to companion apartments.

15 BY adding to
16 Article – Real Property
17 Section 14–133
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Real Property**

23 **14–133.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
25 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) “COMPANION APARTMENT” MEANS A RESIDENTIAL UNIT
2 THAT:

3 (I) IS LOCATED WHOLLY WITHIN A RESIDENTIAL
4 DWELLING; AND

5 (II) HAS AN EXTERIOR ENTRANCE AND PROVISIONS FOR
6 COOKING, EATING, SANITATION, AND SLEEPING THAT ARE SEPARATE FROM ALL
7 OTHER AREAS OF THE RESIDENTIAL DWELLING.

8 (3) “RESIDENTIAL DWELLING” MEANS A SINGLE-FAMILY,
9 DETACHED HOUSE THAT IS OWNER-OCCUPIED.

10 (B) THE OWNER OF A RESIDENTIAL DWELLING MAY CREATE AND RENT
11 A COMPANION APARTMENT IN THE RESIDENTIAL DWELLING IF THE
12 RESIDENTIAL DWELLING:

13 (1) IS NOT LOCATED ON PROPERTY THAT IS SUBJECT TO A
14 CONDOMINIUM REGIME;

15 (2) IS NOT LOCATED IN A DEVELOPMENT THAT IS SUBJECT TO A
16 DECLARATION OF A HOMEOWNERS ASSOCIATION OR IN A COOPERATIVE
17 PROJECT, UNLESS THE OWNER HAS THE EXPRESS PERMISSION OF THE
18 HOMEOWNERS ASSOCIATION OR COOPERATIVE HOUSING CORPORATION; AND

19 (3) DOES NOT CONTAIN ANOTHER COMPANION APARTMENT.

20 (C) A COMPANION APARTMENT CREATED UNDER THIS SECTION SHALL:

21 (1) HAVE A MINIMUM OF 500 SQUARE FEET OF LIVING SPACE;

22 (2) USE THE SAME ADDRESS AS THE RESIDENTIAL DWELLING;
23 AND

24 (3) BE SUBJECT TO ALL APPLICABLE FIRE, SAFETY, AND
25 BUILDING REGULATIONS.

26 (D) IF THE RESIDENTIAL DWELLING CEASES TO BE OWNER-OCCUPIED
27 AFTER A COMPANION APARTMENT IS CREATED AND RENTED:

28 (1) THE AREA CONTAINING THE COMPANION APARTMENT MAY NO
29 LONGER BE UTILIZED AS A COMPANION APARTMENT; AND

1 **(2) ANY STRUCTURAL CHANGES MADE IN THE RESIDENTIAL**
2 **DWELLING TO CREATE THE COMPANION APARTMENT SHALL BE REMOVED.**

3 **(E) IF A HOMEOWNERS ASSOCIATION OR COOPERATIVE HOUSING**
4 **CORPORATION GRANTS PERMISSION FOR THE CREATION AND RENTAL OF A**
5 **COMPANION APARTMENT, THE HOMEOWNERS ASSOCIATION OR COOPERATIVE**
6 **HOUSING CORPORATION MAY NOT REVOKE THE PERMISSION AS LONG AS THE**
7 **COMPANION APARTMENT IS TENANT-OCCUPIED WITH NO MORE THAN A**
8 **6-MONTH GAP BETWEEN TENANTS.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That a county or municipal
10 corporation may not generally prohibit the creation or rental of companion
11 apartments. A law, regulation, or ordinance adopted by a county or municipal
12 corporation may impose health and safety standards for companion apartments that
13 are more stringent than this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2011.